

PUBLIC SAFETY DEPARTMENT[661]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 103A.7 and 103A.56, the Building Code Commissioner in the Department of Public Safety hereby gives Notice of Intended Action to amend Chapter 374, “Manufactured Housing Installer Certification,” Iowa Administrative Code.

The Building Code Commissioner in the Department of Public Safety is authorized to adopt administrative rules, according to Iowa Code section 103A.56. The proposed amendment is designed to bring continuing education requirements for manufactured home installers in line with federal continuing education requirements.

Certification for manufactured home installation is addressed in both federal and state regulations. Generally, an installer who complies with state requirements that meet the federal standards can be exempt from federal regulation. Training standards have been set by the U.S. Department of Housing and Urban Development, and the Iowa administrative rules recognize federally certified training. Federal requirements provide for 8 hours of continuing education during a three-year certification period, according to 24 CFR 3286.205(b)(2). The current state administrative rule requires 12 hours of continuing education during the three-year certification period, rather than the 8 hours of continuing education required for federal certification. Requiring an additional 4 hours of continuing education can create an unnecessary regulatory burden for Iowa licensees. Not all training can be offered within the state of Iowa, and because the federal standards require only 8 hours of continuing education, many training programs held outside of the state are only 8 hours in length. The state requirement to complete 12 hours may require Iowa licensees to pay for two separate training programs or to attend two out-of-state programs in order to meet the higher standard set by the state. This adds unnecessary time and expense for certified installers. The proposed amendment brings the Iowa regulation in line with the federal regulation.

A public hearing on this proposed amendment will be held on January 21, 2014, at 10 a.m. in the First Floor Public Conference Room (Room 125) of the Oran Pape Building, 215 East 7th Street, Des Moines, Iowa. Persons may present their views orally or in writing at the public hearing.

Any written comments or information regarding the proposed amendment may be directed to the Agency Rules Administrator by mail to Agency Rules Administrator, Iowa Department of Public Safety, State Public Safety Headquarters Building, 215 East 7th Street, Des Moines, Iowa 50319, or by electronic mail to admrule@dps.state.ia.us by 4:30 p.m. on January 20, 2014.

Rules regarding manufactured housing are subject to the waiver provisions of rule 661—10.222(17A). The Commissioner does not have authority to waive requirements established by statute, according to Iowa Code section 103A.7.

After analysis and review of this rule making, there should be a positive impact on jobs. Increased opportunities for building in Iowa has a positive impact on manufactured housing installers. A reduction in training expenses can encourage growth in the industry because it reduces overall costs and allows installers more time to do their work. The Board will continue to work with stakeholders to maximize this rule making’s positive impact on jobs.

This amendment is intended to implement Iowa Code section 103A.59.

The following amendment is proposed.

Amend subrule 374.7(1) as follows:

374.7(1) A certification may be renewed if the installer applying for recertification has completed ~~12~~ eight hours of continuing education, approved by the commissioner, during the three-year certification period. Such training shall be submitted to the commissioner for review and approval prior to the date the training is received. Requests for approval shall be submitted on a form supplied by the commissioner, with supporting documentation.